

FILED 08 JUL 02 07:15AM CDT  
2008 JULY 02 2008 07:15AM CDT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**BRIAN K. REDMOND,**

**Civ. No. 06-987-AA**

**Petitioner,**

**ORDER DISMISSING  
HABEAS CORPUS PETITION**

**v.**

**SHARON BLACKETTER,**

**Respondent.**

---

This matter having come before the Court on the motion of the petitioner to voluntarily dismiss his habeas corpus petition,

IT IS HEREBY ORDERED that the Petition for a Writ of Habeas Corpus is dismissed without prejudice. In the event that the decision in *Blakely v. Washington*, 542 U.S. 296 (2004), is later made retroactive to cases on collateral review, petitioner has leave to reopen this case only as to the *Blakely* issues, and the limitations period shall be deemed tolled from the date this Order is signed until sixty (60) days after the date of the decision rendering *Blakely* retroactively applicable. If *Blakely* is made retroactive and the petitioner moves to reopen this case during the above-

referenced 60-day period, petitioner may also amend the petition as of right so as to properly plead all *Blakely*-based claims in this Court.

IT IS SO ORDERED this 1 day of June, 2008.

*July*

  
\_\_\_\_\_  
THE HONORABLE ANN L. AIKEN  
U.S. District Court Judge

Submitted by:

/s/ Thomas J. Hester  
Thomas J. Hester  
Attorney for Petitioner

Lester R. Huntsinger (by consent)  
Attorney for Respondent

CERTIFICATE OF SERVICE